

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

QUARTERLY MEETING OF THE  
STATE OF TENNESSEE  
ELEVATOR AND AMUSEMENT DEVICE SAFETY BOARD

September 7, 2022  
(via Zoom Videoconference)

ORIGINAL

---

CASSANDRA M. BEILING, LCR# 371  
STONE & GEORGE COURT REPORTING  
2020 Fieldstone Parkway  
Suite 900 - PMB 234  
Franklin, Tennessee 37069  
615.268.1244

1 APPEARANCES (via Zoom videoconference):  
2 Robbie Fox, Chairman  
Fixed Amusement Device  
3  
4 David Hale, Board Member  
Tennessee Fair Association Representative  
5  
6 Larry R. Moore, II, Board Member  
Owner and Lessees Representative  
7  
8 Lewis Moorer, Board Member  
Public-at-Large Representative  
9  
10 Kelly O'Connor, Board Member  
Public-at-Large Representative  
11  
12 Mitch Rader, Board Member  
Insurance Company Representative  
13  
14 James Roy Pope, Board Member  
Traveling Amusement Device Representative  
15  
16 Victor LaPorte, Board Member  
Manufacturer Representative  
17  
18 Mike McPherson, State of Tennessee  
Elevator Inspector Chief  
19  
20 Mike H. Hardy, State of Tennessee  
Amusement Device Manager  
21  
22 Thomas Herrod, State of Tennessee  
Assistant Commissioner  
23  
24 Daniel Bailey, Esq.  
Legal Counsel, State of Tennessee  
25  
26 Dewayne Scott, State of Tennessee  
Deputy Commissioner  
27  
28 Jennifer Murphy, State of Tennessee  
Board Secretary, Amusement Device Unit  
29  
30 Jamie Diefenbach, State of Tennessee  
Executive Administrative Assistant, WRC  
31  
32 Kenneth Neely, State of Tennessee  
Assistant Administrator

1 Appearances continued:

2 Chance Deason, State of Tennessee  
General Counsel

3 Candice Hamen, State of Tennessee  
4 Elevator Admin.

5 Lawrence Taylor, State of Texas  
Chief Elevator Inspector

6 Tim Hensley, Anakeesta

7 Bethany White

8

9

10 Stone & George Court Reporting  
Nan George, Zoom Moderator  
11 Cassandra Beiling, Court Reporter

12

13

14

15

16

17

18

19

20

21

22

23

24

25 \*Reporter's Note: All names are phonetically  
spelled unless otherwise provided to the Reporter.

A G E N D A

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- I. Call Meeting to Order
- II. Introductions and Announcements
- III. Adoption of Agenda
- IV. Approval of the June 7, 2022 Minutes
- V. Elevator Unit's Report
- VI. Amusement Device Unit's Report
- VII. Old Business
  - \* None
- VIII. New Business
  - \* None
- IX. Open Discussion
  - \* None
- X. Calendar-Scheduled Board Meetings
  - \* December 6, 2022 - 9:00 a.m. (CDT)
- XI. Adjournment

1 \* \* \* \* \*

2 CHAIRMAN FOX: I appreciate  
3 everyone being here. This will probably be a  
4 quick meeting, but we'll go ahead and call the  
5 September 7th, 2022 meeting of the Elevator and  
6 Amusement Device Safety Board to order.

7 Mr. Herrod, are there any  
8 announcements or instructions or whatever that we  
9 need to make?

10 MR. HERROD: No, sir. I can't  
11 think of any at this time.

12 CHAIRMAN FOX: All right.  
13 Then the next item would be adoption of the  
14 agenda. I would ask for a motion to adopt the  
15 agenda as presented.

16 MS. O'CONNOR: I'll make the  
17 motion to adopt the agenda.

18 MR. HALE: I'll second.

19 CHAIRMAN FOX: We have a  
20 motion and a second. Any discussion?

21 (No verbal response.)

22 MR. HALE: Hearing none, all  
23 in favor of the motion, let it be known by saying  
24 "aye."

25 (Affirmative Response.)

1 CHAIRMAN FOX: We probably  
2 ought to do a roll call. No, we're good on that.  
3 Well, let's ask Ms. Nan.

4 Do we need a roll call?

5 MS. GEORGE: Cassandra, would  
6 you like the roll call?

7 THE REPORTER: No, not unless  
8 there's a --

9 MS. GEORGE: If everyone would  
10 just put their names and who they represent in the  
11 chat box, that would be sufficient. Cassandra,  
12 for you would it?

13 THE REPORTER: I think  
14 regarding a roll call, unless there's a "nay," if  
15 everybody is in agreement, then I can just say  
16 "affirmative response."

17 CHAIRMAN FOX: Okay. Moving  
18 forward, the Elevator Unit report.

19 MS. DIEFENBACH: Do we need to  
20 approve the minutes first, or did I miss that?

21 CHAIRMAN FOX: I'm sorry?  
22 Repeat.

23 MS. DIEFENBACH: Approving the  
24 minutes.

25 MR. HERROD: Yes.

1 CHAIRMAN FOX: Oh, I'm sorry.  
2 I skipped one, in a hurry.

3 Do we have a motion to approve the  
4 minutes of the June 7th, 2022 meeting?

5 MS. O'CONNOR: So moved.

6 MR. RADER: Second.

7 CHAIRMAN FOX: Okay. We have  
8 a motion and a second. Ms. O'Connor made the  
9 motion; Mr. Raider seconded it. Any discussion?

10 (No verbal response.)

11 CHAIRMAN FOX: Hearing none,  
12 all in favor of the motion, let it be known by  
13 saying "aye."

14 (Affirmative response.)

15 CHAIRMAN FOX: All opposed,  
16 like sign.

17 (No verbal response.)

18 CHAIRMAN FOX: Motion carries.  
19 Elevator Unit report.

20 MR. MCPHERSON: Yes, sir.  
21 This is Mike McPherson, Chief Elevator Inspector.  
22 I'll give you a few stats. We have a total now of  
23 16,098 conveyances across the state. The Elevator  
24 Unit has completed over 19,985 inspections across  
25 the state. We've approved over 426 -- we only

1 have 426 permits now that we approved that are  
2 conveyances being altered or under new  
3 construction.

4 We have 28 total inspectors, and we  
5 are going to hire actually another one that starts  
6 the 1st of October. Also, we're looking to hire  
7 more inspectors and another assistant inspector as  
8 well.

9 Our delinquency rate is always our  
10 biggest focus right now outside of safety. And we  
11 have been working overtime, being allowed to do so  
12 with some inspectors of the area. And also being  
13 able to hire a few more inspectors has really  
14 helped us catch up quite a bit.

15 We see there on the slides up there  
16 it shows our growth. We're still growing here in  
17 Tennessee, and also, mainly, the Nashville area is  
18 still popping.

19 Accident-wise, we've had about a  
20 dozen responded to as being reported as other than  
21 serious. It's just typical, you know, an  
22 escalator, getting on and off or tripping up over  
23 a suitcase or what have you.

24 Of course, back in July, we did have  
25 the Anakeesta incident out there which we

1 responded to. The law enforcement was there and  
2 the staff of Anakeesta really moved swiftly to  
3 take care of that professionally and very quickly.  
4 And we needed equipment just to make sure that it  
5 was not an equipment-type failure. As we know,  
6 they did rule this as a suicide.

7 If anyone has got any questions, I'll  
8 be happy to answer anything you've got.

9 CHAIRMAN FOX: Any questions  
10 from the Board?

11 (No verbal response.)

12 CHAIRMAN FOX: Okay. Moving  
13 right along. The Amusement Device Unit report.

14 MR. HARDY: Thank you, Jamie,  
15 for providing slides for us.

16 The first slide you'll see is kind of  
17 two-part. It shows our new ending number of  
18 operating permits issued. We were at 425, which  
19 is the most operating permits that we've issued  
20 since our record year of 2019. So the indication  
21 to us in our industry, it's bouncing back.

22 So far in 2023, we've issued  
23 72 operating permits, and I left the 2023  
24 projection at 425. It's kind of early in the year  
25 to prorate that out, but I'm confident that we'll

1 see at least what we did last year if not more,  
2 hopefully to get closer to that 2019 number.

3 CHAIRMAN FOX: Okay.

4 MR. HARDY: New operating  
5 permits issued, we finished up the fiscal year of  
6 '22 with 76 new companies. And again, that's a  
7 bounce-back in comparison to 2020 and 2021 COVID  
8 years. We have issued 25 new operating permits to  
9 new companies thus far this year, and we're going  
10 to project that 76 and hopefully improve on that  
11 number for 2023.

12 Total devices inspected, we were at  
13 3,819 for 2022. We'll keep that projection for  
14 2023, and we have collected 697 inspections for  
15 the individual devices so far this year.

16 We ended the year last year with six  
17 reportable accidents. It was up slightly from '21  
18 and also 2020. We're nine, ten weeks in our  
19 fiscal year thus far, and we have reported no  
20 reportable accidents on amusement devices this  
21 year.

22 And again, you'll see zero for 2023.  
23 The 2022 numbers are kind of broken down by  
24 device. We talked about this in the previous  
25 meetings. I don't think we've had one since our

1 last board meeting, but 2022 breaks down to six  
2 total reportable accidents that we recorded in the  
3 last fiscal year.

4           And the last thing, at the last June  
5 meeting, we talked a little bit about Dollywood's  
6 activity regarding the Drop Tower accident in  
7 Orlando last March. And to update that report,  
8 Dollywood's Dropline device reopened on Friday,  
9 August the 12th. They added seatbelt restraints,  
10 which was a recommendation of the manufacturer,  
11 and made a height requirement change and some  
12 related signage revisions. And to our knowledge,  
13 there have been no issues with the Drop Tower --  
14 Dropline device in Dollywood since reopening in  
15 August.

16           I would also like to mention that  
17 fair season has been going well for us. It's been  
18 a busy time. David plays a big part in the Wilson  
19 County and Tennessee State Fair. And they  
20 reported a record attendance of 776,195 patrons  
21 this year. That was up 300,000 from 2021 and  
22 200,000 from the previous record set in 2013. So  
23 that's another indicator that our industry is  
24 bouncing back.

25           We're approaching the end of fair

1 season, which will be ending in October. So far,  
2 it's been fast and furious, but we've been able to  
3 capture and verify all the devices that are at the  
4 local fairs and festivals, and the compliance  
5 officers have done a good job with their on-site  
6 inspections and audits.

7 And again, if you have any questions  
8 for the Amusement Device Unit, I'll be glad to  
9 answer any of those you might have.

10 CHAIRMAN FOX: Any questions  
11 from the Board?

12 MR. HALE: Mr. Chair, I just  
13 want to say I really appreciate the efforts that  
14 our amusement device staff put forward in  
15 inspecting and getting the Tennessee State Fair,  
16 Wilson County Fair up and going. And I just can't  
17 say enough good about it.

18 CHAIRMAN FOX: Good deal.  
19 Thank you.

20 MR. HARDY: Thank you,  
21 Mr. Hale.

22 CHAIRMAN FOX: Anyone else?

23 MR. HARDY: That's all I had.

24 CHAIRMAN FOX: Okay. Moving  
25 right along. Old business, we have none. New

1 business, open discussion. Can we -- Mr. Hardy,  
2 can we get you to talk about the Dropline tower  
3 accident? I guess it was in India.

4 MR. HARDY: Yes, sir. About  
5 that, from what I've seen on the internet, I saw  
6 something about a cable break. But I really  
7 haven't dug that deep into it to see where they  
8 are. I believe that accident occurred over last  
9 weekend.

10 CHAIRMAN FOX: Yes, it did.  
11 Do we know the manufacturer?

12 MR. HARDY: I do not. At this  
13 time, I do not know the manufacturer. I know  
14 there were 16 injuries and no fatalities the last  
15 news report that I was able to look at. We'll be  
16 looking at that and seeing what I can find, see if  
17 it was the same manufacturer as the one that  
18 Dollywood has and the one at Orlando.

19 CHAIRMAN FOX: Okay. Anything  
20 from the board members or staff?

21 MR. POPE: Can you hear me  
22 there, Chairman?

23 CHAIRMAN FOX: Yes, sir.

24 MR. POPE: Everything that I  
25 heard, like he said, was on the internet. But it

1 said it was like a knockoff manufacturer. It was  
2 a copy of another ride another company had built  
3 in India, maybe a Chinese company, is what I'm  
4 hearing. But I don't know that that's a fact.  
5 But it was a terrible-looking accident on the  
6 internet. I'm hoping that doesn't have any  
7 reflection on anything in the United States.

8 CHAIRMAN FOX: Me too.

9 MR. HARDY: Me three.

10 CHAIRMAN FOX: Okay. Anything  
11 else for the good of the order on there?

12 (No verbal response.)

13 CHAIRMAN FOX: All right. Our  
14 next meeting is scheduled for December the 6th,  
15 2022, 9:00 a.m. Central Standard Time.

16 Do I have a motion for adjournment?

17 MR. POPE: Motion. James Roy  
18 Pope.

19 MR. HALE: Will it be an  
20 in-person meeting or another virtual? Do you  
21 know, Mr. Chair?

22 CHAIRMAN FOX: I do not.  
23 Mr. Herrod may be able to tell us.

24 MR. HERROD: Unless there are  
25 variances that need to be discussed in detail, it

1 will most likely be a virtual meeting.

2 MS. O'CONNOR: And just an  
3 FYI, I most likely will be out. I'll be in the  
4 Middle East about that time, and I don't think  
5 I'll be back yet for that.

6 CHAIRMAN FOX: Okay. Thank  
7 you for letting us know.

8 MS. O'CONNOR: Sure.

9 MR. HALE: Second the motion  
10 to adjourn.

11 CHAIRMAN FOX: Ladies and  
12 gentlemen, we are adjourned. Thank you-all again  
13 for being here. Thanks for being part of the  
14 program.

15 END OF PROCEEDINGS.

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

STATE OF TENNESSEE )

COUNTY OF WILLIAMSON )

I, Cassandra M. Beiling, a Notary Public  
in the State of Tennessee, do hereby certify:

That the within is a true and accurate  
transcript of the proceedings taken via Zoom  
videoconference before the Elevator and Amusement  
Device Safety Board and the Chief Inspector or the  
Chief Inspector's Designee, Tennessee Department  
of Labor and Workforce Development, Division of  
Workplace Regulations and Compliance, Elevator and  
Amusement Device Unit, on the 7th day of  
September, 2022.

I further certify that I am not related to  
any of the parties to this action, by blood or  
marriage, and that I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 27th day of October, 2022.



-----  
Cassandra M. Beiling, LCR# 371  
Notary Public State at Large  
My commission expires: 3/10/2024

MEETING SIGN-IN SHEET

ELEVATOR & AMUSEMENT DEVICE SAFETY BOARD  
 September 7, 2022  
 VIA ZOOM Meeting

NAME	TITLE	COMPANY	PHONE	FAX	EMAIL
Jennifer Murphy	Sec	State of TN			
Jessica Belding	Cost Reporter	Stone & George			
Jamy More	Bd member				
Mike Hardy	ADU Manager				
Lawrence Taylor	Scholar Elevator				
Jic LaForte	Bd Member				
Tom Hornod	Asst. Commis.	State of TN			
Mike McPherson	Chief Elev. Ins	" "			
Non George		Stone & George			
Kenneth Neely	Asst Administrator				
David Hale	Bd Member				
Lewis Moore	Bd member				
Jamie DeFenbach	Bd Min LWC	State of TN			
Kelly O'Connor	Bd Member				
Dan Bailey	As Counsel				
Chance Deason	As Counsel				
Candice Blamen	Stew. Admin				
James Ray Pope	Bd Member				
Larry Moore	Bd member				
Mitch Rader	Bd member				
Debrahe Scott	Asst Commis				
Retha White		→	As requested from her + she never responded		
Tim Hensley	Asst Commis				